

### R E M A R K S

Claims 1 to 6 remain in the application.

With this amendment, Claim 1 has been amended to overcome the objection thereto under 35 USC 112.

Reconsideration of the rejection under 35 USC 103 is respectfully requested in view of the following discussion.

As Applicant pointed out in the last amendment, the reinforcing layer of Gerner does not delaminate, contrary to the Examiner's assertion. In this respect, Applicant has noted that the Examiner defines delamination as "separation into constituent layers". If the Examiner is referring to the structure of Gerner, it is not the paperboard layer which delaminates, rather it is the complete structure, consisting of the foil and the paperboard. In the instance of Gerner, once the tear strip has been removed, all that is left is the foil. This is not the case in Applicant's structure. Rather, it is the paperboard layer itself which delaminates internally. This is set forth in Claim 1.

Support for the above rebuttal is clearly found in Figures 10 and 11 and in the description of the prior art. In particular, the Examiner's attention is directed to the paragraph spanning columns 2 and 3 of the cited patent which clearly supports Applicant's position.

In view of the above, it is respectfully submitted that the rejection of the claims under 35 USC 103 is not well based and should be withdrawn. Such action is respectfully solicited.

Respectfully,



Eric Fincham  
Reg. 28,201

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop - Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Jan. 22. 04.

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